

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CASEY SMITH,

Plaintiff,

VS.

JUDGE AMANDA S PETTY, *et al.*,

Defendants.

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NO. 5:21-cv-00209-MTT-CHW

ORDER

Presently pending before the Court is a Complaint for relief under 42 U.S.C. § 1983 filed by *pro se* Plaintiff Casey Smith, an inmate confined in the Baldwin County Jail in Milledgeville, Georgia (ECF No. 1). On August 6, 2021, Plaintiff was instructed to pay an initial partial filing fee in the amount of \$33.60 or to file a renewed motion for leave to proceed *in forma pauperis* if he could no longer pay that amount. Plaintiff was given twenty-one (21) days to comply, and he was warned that the failure to fully and timely comply with the Court's orders and instructions would result in the dismissal of this case. *See generally* Order, Aug. 6, 2021, ECF No. 4.

The time for compliance passed without a response from Plaintiff. As such, the Court ordered Plaintiff to respond and show cause why his lawsuit should not be dismissed for failing to comply with the Court's previous orders and instructions. Plaintiff was again given twenty-one (21) days to comply, and he was again warned that the failure to comply

with the Court's orders and instructions would result in the dismissal of his Complaint. *See generally* Order, Sept. 24, 2021, ECF No. 5.

The time for compliance has again passed without a response from Plaintiff. Because Plaintiff has failed to comply with the Court's orders and instructions and otherwise failed to diligently prosecute his claims, this action is **DISMISSED without prejudice**. *See* Fed. R. Civ. P. 41; *see also Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 25th day of October, 2021.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT